

to stopping—I would say obstructing—Democrats from offering these amendments.

I am hopeful that once we get beyond this cloture vote, we can lay the bill down and we can work through these amendments. I will work with the majority leader to ensure we have adequate cooperation on this side, as I have offered from the very beginning.

#### MEDICAL MALPRACTICE

Mr. DASCHLE. Mr. President, the second issue, that I just mention briefly, has to do with the cloture vote on the medical malpractice issue that will come before the Senate this afternoon.

This bill actually differentiates between those who walk in the front door of a hospital and those who get emergency care. We objected last time we voted on this because it differentiated between men and women. Men and women would be treated differently under the bill that cloture was voted on a few weeks ago. Now our Republican colleagues add to that people who walk into a hospital or are taken into a hospital via an emergency room.

This draws a distinction that I think is inexplicable. If you are injured in an emergency room, under this legislation, you have virtually no legal recourse. If you are injured by walking through the front door of a hospital, you still have all the recourses that are allowed under Federal law. Drawing that distinction, to me, is not an improvement. That is not reform. Yet that is what some of our Republican colleagues have said.

On more than one occasion, Senator LINDSEY GRAHAM and Senator DICK DURBIN have said they are prepared to work, in a bipartisan way, to allow us the opportunity to address meaningful malpractice reform, including the high cost of malpractice insurance. But that is what it is going to take.

Having cloture votes on bills that draw a distinction between two circumstances that have nothing to do with punitive damages, or with economic damages for that matter, is something I think will get us nowhere. This vote, as all the other votes, will not be accepted. It again reminds us how important it is that we work together to find a real solution to malpractice, as Senators GRAHAM and DURBIN are doing.

#### CONFERENCE PROCEDURES

Mr. DASCHLE. Finally, Mr. President, let me just add one other troubling aspect to this discussion this morning, and that is the pension bill.

Our caucus will be discussing this matter this afternoon. I am hopeful we can find some way to address the issue of pensions in a meaningful way. I have indicated to Senator FRIST how concerned we are with the way pensions have once again been addressed in conference. We used this conference as a test to see whether Senators, in a bi-

partisan way, can work together, but once again Democrats were locked out of the discussions in a way that brought about a very questionable result.

The Senate voted 85 to 14 to support multiemployer and single-employer pension plans. We went to conference. We had a tentative agreement that at least 20 percent of the multiemployer pension plans would be addressed. We felt that was a sufficient effort to address some of the real plans in crisis.

Unfortunately, the White House told the conferees that that was unacceptable to them and, without consultation and without any effort to resolve the matter in some form of bipartisan compromise, Democrats once again, as we saw last year with the Omnibus legislation, with the Medicare prescription drug benefit, and with other bills, got the same result. It is no wonder our colleagues are so reluctant to go to conference. Once again, as the pension bill proved, the conferences are not working as they should.

It is for that reason many of us are very concerned about what now to do with the pension bill as it is presented. We will have a good discussion about that in caucus today and make some decision as we go forward.

This is not the way conferences should work. It is deeply troubling to many of us that again we find ourselves in exactly the situation that I warned would cause further problems were it to happen again. It has. I regrettably feel as if conferences in the future are going to be very difficult, if not impossible.

I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business for 60 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

The Senator from Oregon.

#### OPEC

Mr. WYDEN. Mr. President, in the last few days, the Foreign Minister of Saudi Arabia has said—and it has been widely reported by our country's two largest wire services—that Saudi Arabia was not contacted by the Bush administration over OPEC's recent decision to cut oil production by 1 million barrels per day. I was very troubled by these comments by the Foreign Minister of Saudi Arabia. I want to read

specifically what the Saudi Foreign Minister said when he was asked whether the United States had expressed its disappointment over OPEC's cut in oil production. The Foreign Minister of Saudi Arabia said:

I didn't hear from the Bush administration. I'm hearing it from you that they are disappointed.

This ought to be troubling to every Member of the Senate. Up and down the west coast of the United States, our constituents are getting mugged by high gasoline prices. In community after community, citizens are paying more than \$1.90 a gallon. The high driving season is just upon us, and escalating gasoline prices are going to be devastating to consumers and to our economy overall. We all understand consumer spending is a major driver of our economy today, and it is going to be harder and harder to grow the economy and create private sector jobs if these gasoline prices continue to skyrocket.

I am hopeful my colleagues on both sides of the aisle will support the resolution I have introduced urging that OPEC increase production. The reason I am hopeful for bipartisan support is that this resolution, in terms of its substance, is identical to one introduced on February 28, 2000, with our current Secretary of Energy, our friend, Spence Abraham, as one of the principal sponsors. Back then it was clear that our colleagues thought it was important, and we had a number of our colleagues who serve today, our friend Senator GRASSLEY, distinguished chairman of the Finance Committee, Senator SANTORUM, and others, all of whom said—and I share their view—that it is important for every administration to put the heat on OPEC in order to protect our consumers. It was important then to make it clear that it was the position of the U.S. Senate that OPEC boost oil production, and it is just as clear now.

At the time that resolution was adopted in March 2000, a resolution sponsored by then-Senators Abraham and Ashcroft, oil prices were in the \$25-per-barrel range with a high of \$27 per barrel in February of 2000. In recent weeks, oil prices have been in the range of \$35 per barrel, spiking up to \$38, a 13-year high, last month.

In 2000, then-candidate George W. Bush said it was important to put pressure on OPEC to boost oil production. I certainly share his sentiments. Yet with the comments of the Saudi Foreign Minister last week, it is clear that at best, there has not been a full court press in this administration on Saudi Arabia, on OPEC in order to increase gasoline production.

If ever there were an administration that had earned some bargaining chips to push Saudi Arabia to increase oil production, it is this administration. After 9/11, there was an effort to help the Saudis, a number of them, leave our country. When there was concern about charities and the role that charities had played in financing 9/11, it